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**Subject:** Oil & Gas Negotiated Rule Public Comments  
**Date:** Tuesday, October 25, 2016 08:33:15 PM  
**Attachments:** [10-26 rules my public comment.doc](#)

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**From:** Shelley Brock  
**To:** Oil and Gas Conservation Rulemaking  
**Subject:** Oil and Gas  
**Date:** Sunday, October 23, 2016

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**As a long time Idaho resident, healthcare professional, grandmother and taxpayer I am deeply concerned with the profound risks that oil & gas exploration and development pose to our quality of life and our children's legacy. As we are being forced to accept this industrial process in the very heart of our communities the very least our public officials can, and should, do is to establish rules that ensure the strictest regulatory oversight, most stringent monitoring for compliance of those regulations and utmost transparency in reporting to the public. I regret to say that my experience during the 2016 'informal' rule making sessions leaves me wondering if any of those requirements will be met. The bias that was consistently exhibited on behalf of one operator – Alta Mesa Idaho – by IDL Bureau Chief Eric Wilson, against input from other industry representatives and members of the public was stunning. How a company that is reportedly teetering on the verge of bankruptcy, \$875 million in debt, with multiple lawsuits against them in other states for contamination issues is being allowed to write laws and rules here in Idaho designed to protect our most critical resources and ensure that mineral owners and taxpayers receive the monetary compensation they are due, is beyond me.**

**Here are my recommendations for changes to the proposed rules:**

#### **DEFINITIONS**

2630. **Hydraulic Fracturing, or Fracing.** A method of stimulating or increasing the recovery of hydrocarbons.....' (3-29-12)( )

609. **Well Treatment.** Actions performed on a well to acidize, fracture, or stimulate the target reservoir. (3-29-12)

*\* There was a lot of discussion about keeping the 2 terms separated, but the fact is that hydraulic fracturing falls under the classification of 'well treatments', as it is a method of 'fracturing' and 'stimulating' shale and tight sandstone formations to enable the release of hydrocarbons. Arguing against this fact just creates a smoke screen that could enable operators to dodge permitting, regulating and disclosing of drilling and extraction methods that put our water aquifers at even greater risk than conventional means.*

#### **110. SURFACE OWNER PROTECTIONS**

04. **Surface Use Bond.**

*\* A \$5,000 bond is embarrassingly inadequate to cover the level of damage that drilling and placement of infrastructure can, and frequently has, caused in dozens of other states across the nation. Bond amounts should be \$1 million. For an operator that has a good credit standing and regulatory compliance record the difference in premiums is minimal and any company that can't qualify for the higher bond shouldn't be operating in Idaho anyway.*

The purpose of this bond is to safeguard the surface owner's loss of agricultural income and improvement values pending the results of a hearing on the final bond. (3-29-12)( )

*\* 'Loss of agricultural income' could range from 1 interrupted season of crop growth - to soil and surface water contamination that destroys the land forever. This phrase needs to be clarified with deep consideration given to that reality.*

**SUBCHAPTER C - DRILLING, WELL TREATMENT, AND PIT PERMITS 200. PERMIT TO DRILL, DEEPEN, OR PLUG BACKRE-ENTER**

<!--[if !supportLists]-->01. <!--[endif]-->**Permits Required**..... 'Drill pad construction may proceed prior to permit approval if a surface use agreement or lease is in place', and a sundry notice is submitted to the Department.... (3-29-12)( )

*\* All permits should be approved before a single shovel of dirt is turned or 1 tree is cut down. The senseless destruction in early March, 2016, of a centuries-old Pennsylvania commercial maple forest for a proposed pipeline that has yet to be approved is a stark example of what can go wrong when this industry is allowed to bypass permitting procedures.*

04. **Location of Wells.** No oil or gas wells may be drilled within three hundred (300) feet of existing occupied structures without express written permission from the owner of the structure(s). ( )

*\* Setbacks of 300 feet are wholly inadequate for the protection of people and animals in the event of catastrophic fires or explosions; nor are they sufficient regarding exposure to hazardous, carcinogenic gases/VOC's that typically flare 24/7 from well sites. Setbacks should be a minimum of 1,500 feet from occupied structures, with or without permission of the owner of the structure(s)*

045. **Application.** (3-29-12)

h. Best management practices to be used for erosion and sediment control. (3-29-12)

*\* In light of the fact that this industry is exempt from so many federal environmental protection laws, it is important that 'best management practices' is clearly defined.*

**210. WELL TREATMENTS**

<!--[if !supportLists]-->02. <!--[endif]-->**Master Drilling/Treatment Plans.** Where multiple stimulation activities will be undertaken for several wells proposed to be drilled in the same field within an area of geologic similarity, approval may be sought from the Department for a comprehensive master drilling/treatment plan containing the information required. The approved master drilling/treatment plan must then be referenced on each individual well's Application for Permit to Drill. (3-29-12)

**\* Change – ‘.....approval may be sought....’, to ‘.....approval shall be sought....’**

056. **Inspections.** The Department may conduct inspections prior, during, and after well treatments. (3-29-12)

**\* Change – ‘....may conduct inspections...’, to ‘...shall conduct inspections...’**

d. Documentation demonstrating the chemicals used in the well treatment have been reported to the website www.fracfocus.org, its successor website, or another publicly accessible database approved by the Department. The chemical information must be reported in a systems approach. (4-11-15)

**\* Fracfocus is merely a vehicle for ‘self-reporting’ by operators. Requiring mandatory chemical tracers in the fluids used during drilling and treating wells is the only way to ensure some degree of honesty in discerning what hazardous chemicals are being used.**

#### **07. Fresh Water Protections for Well Treatments. (3-29-12)**

c. The Department shall require the owner or operator to complete fresh water monitoring at the owner’s or operator’s cost before and after a well treatment unless the Department, in consultation with the IDEQ, determines that the proposed treatment does not pose a threat of pollution to fresh waters.

**\* Collection of water samples MUST be done by a certified, independent third party. This is the only way to establish a legal chain of custody that will stand up in a court of law. Allowing the operator to collect their own samples is completely invalid.**

#### **220. BONDING.**

01. **Individual Bond.** (4-11-15)

02. **Blanket Bond.** (4-11-15)( )

a. Up to ten (10) wells, fifty thousand dollars (\$50,000); (3-29-12)

b. Eleven (11) to thirty (30) wells, one hundred thousand dollars (\$100,000); or (3-212)

c. More than thirty (30) wells, one hundred fifty thousand dollars (\$150,000). (3-29-12)

**\* I keep hearing the statement that our officials want to bring Idaho into line with regulatory requirements in other more mature oil & gas producing states. In Texas – THE most mature and biggest oil & gas producing state in the Nation – bonding runs millions of dollars PER WELL. That’s what folks who have lived with the damage this industry historically causes demand in order to have some semblance of protection. The fact that our officials are allowing them to operate with \$5,000 per well bond is absurd, to say the least. Our officials are elected to protect the citizens of Idaho – NOT out of state corporations coming in here to make a fast buck and**

*leave the taxpayers on the hook for the carnage that is left behind.*

**SUBCHAPTER E - PRODUCTION 400. PRODUCTION REPORTS.**

03. **Frequency.** (4-11-15)( )

*\* Production reports should be available instantly by automated metering and reporting at the wellhead. That data should be sent to the State and the operator concurrently, as is done in other more mature oil & gas producing states across the nation. Allowing operators to delay reporting production by months, or even days, is setting the state and Idaho citizens up for potential fraudulent practices by unscrupulous operators. There is no excuse for the continued push-back we received at the informal rule making sessions – starting with the first one and continuing through every subsequent session throughout the process – in response to our repeated requests that instant metering and reporting be implemented. Eric Wilson’s statement at the last session that there simply wasn’t enough time to address our concerns by that point, and that if we had brought it up sooner in the process maybe something could have been done toward that end – was ludicrous. The taxpayers deserve transparency by our officials and protection from fraud.*

**410. METERS.**

02. **Meter Calibration.** (3-29-12)( )

*\* While I agree that calibration of the meters must be done by an independent third party, the once yearly time frame is wholly insufficient. Other more mature oil & gas producing states require calibration anywhere from twice monthly to quarterly. In an agricultural state like Idaho where we weigh our livestock, hay, grain, etc., the scales used are calibrated constantly in order to guarantee fair trade - even when dealing in mere thousands of dollars worth of product. In the oil & gas industry - where we are dealing with millions of dollars - requirements should be even more stringent in order to ensure the meters are accurate and that the state and citizens are being fairly compensated for our minerals.*

**420. TANK BATTERIES. Tank batteries must meet the following requirements. (4-11-15)**

b. The owner of a canal, ditch, or surface water may provide express written permission to construct a tank battery closer than three hundred (300) feet, and the Department may approve this location upon the operator showing good cause, but in no event may a tank battery be constructed within one hundred (100) feet of these features. ( )

*\* ‘Canal, ditch or surface water’ insinuates public, shared irrigation system. Under no circumstances should an individual land owner be allowed to give permission for construction of infrastructure that could endanger the water used by other property owners downstream.*

**430. GAS PROCESSING FACILITIES. Gas processing facilities must meet the following requirements. (4-11-15)**

01. **Location of Gas Processing Facilities.** No gas processing facility may be constructed within three hundred (300) feet of existing occupied

structures, water wells, canals and ditches, the natural or ordinary high water mark of surface waters, or within fifty (50) feet of highways, as measured from the outermost portion of the gas processing facility. (4-11-15)( )

***\* No gas processing facility should be constructed within at least one half mile of existing occupied structures, water wells, canals and ditches, surface waterways or highways. Three hundred feet is wholly inadequate for the protection of people, animals, critical resources and roadways in the event of an explosion.***

b. The owner of a canal, ditch, or surface water may provide express written permission to construct a gas processing facility closer than three hundred (300) feet, and the Department may approve this location upon the operator showing good cause, but in no event may a gas processing facility be constructed within one hundred (100) feet of these features. ( )

***\* ‘Canal, ditch or surface water’ could include a public, shared irrigation system. Under no circumstances should an individual land owner be allowed to give permission for construction of infrastructure that could endanger irrigation water used by other property owners downstream or livestock and wildlife frequenting surface waterways. Again, at least a half mile setback should be required.***

056. **Inspections.**

***\* Inspections MUST be required.***

## **502. WELL PLUGGING.**

034. **Plugging Dry Holes.** ...A verbal notification and approval may be used for dry holes in lieu of the written notification plugging permit referenced in Subsection 502.02 of these rules. (4-11-15)()

***\* This should require written application and approval. ‘Dry Holes’ have long been used for illegal dumping within this industry. The only way to monitor them is through formal documentation and inspection.***

045. **Plugging of Wells.** (3-29-12)

***\*Millions of wells have been plugged and abandoned across this nation and are now leaking and contaminating water aquifers, surface waterways and soil. Every step of this process must be documented and inspected and bonds should have no expiration date. Virtually all cement casings leak over time and by the time these operators pull up their stakes and move on we could have a massive disaster on our hands like the sacrifice zones that have been created by this industry throughout the US.***